IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:11.12.2006

CORAM:

THE HONOURABLE MR.JUSTICE R.REGUPATHI

Crl.O.P.No.15024 of 2006

1.V.Udayakumar
2.B.Krishnamoorthy ... Petitioners.

Vs

1.The Deputy Superintendent of Police,
Tindivanam Taluk, Villupuram District.

2.The Inspector of Police,
Tindivanam Town Police Station,
Tindivanam Taluk, Villupuram District.

3.M/s.Jaya Durga Transport
rep. by Mr.Sathiya, Proprietor,
Trichy District. ... Respondents.

Prayer: Petition filed under Section 482 Cr.P.C seeking for the reliefs as stated therein.

For Petitioner : Mr.R.Karunakaran

For Respondents: Mr.P.Kumaresan
Additional Public Prosecutor for R1 & R2.
Mr.M.Maharaja for R3

O R D E R

This is a petition seeking for a direction to the 1st and 2nd respondents to initiate action, on the basis of the complaint given by the petitioners dated 20.05.2006, against the third respondent.

2. The learned Additional Public Prosecutor submits that a complaint has been given on 20.05.2006. The petitioners are owners of the lorries bearing Registration Nos.TN-32-V-9331, TN-32-V-7947 respectively. The lorries were entrusted with the third respondent for rent. There is a dispute with regard to the rent between the petitioners and the third respondent. He submits that an enquiry has been conducted and both the parties have settled the dispute amicably and the enquiry has been closed.

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3. The learned counsel for the petitioners submits that the third respondent was in arrears of Rs.1,70,000/- and moreover, the lorries have been abandoned. The petitioners have paid a fine of Rs.20,000/- and taken custody of the same along with the cement bags. In spite of notice to the third respondent, the arrears have not been settled, resulting in the filing of the complaint dated 20.05.2006.

4. I have perused the materials available on record and also heard the learned counsel appearing for the Intervener/third respondent. The counsel for the petitioner disputes the statement made by the learned Additional Public Prosecutor. It is further submitted that not only the lorries, but a Tata Indica car belonging to the petitioners has also been taken into custody by the second respondent and the same was handed over to the third respondent. In view of the facts and circumstances of the case, the petitioners are at liberty to proceed further, if so advised, before the appropriate forum, in accordance with law.

5. With the above observation, this criminal original petition is disposed of.

bs

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1.The Deputy Superintendent of Police,
Tindivanam Taluk, Villupuram District.

2.The Inspector of Police,
Tindivanam Town Police Station,
Tindivanam Taluk, Villupuram District.

3.The Public Prosecutor, High Court, Madras.

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